

**Claim Status and Amendments**

Please replace all prior versions of the claims with the following version of each claim:

1. (currently amended) A method for producing a fertile transgenic plant, comprising the steps of:
  - (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, or maize embryogenic callus, from wheat or maize and soybean hypocotyl sections or soybean callus cell-suspension cell cultures from soybean with *Agrobacterium* containing a genetic component, said genetic component comprising a selectable marker gene that functions in the identification ~~capable of a~~ transformed plant cell or tissue, ~~to be introduced into the plant cell or tissue to produce an~~ *Agrobacterium*-inoculated explant;
  - (b) co-culturing said *Agrobacterium* inoculated explant in a vessel not containing media containing a gelling agent and adding water in an amount between 100-300 microliters thereto wherein the weight of the *Agrobacterium* inoculated explant is reduced by up to 30% during the co-culture period;
  - (c) identifying and selecting a transformed plant cell or tissue ~~transformed with~~ comprising said genetic component; and
  - (d) regenerating a fertile transgenic plant therefrom.
2. (previously amended) The method of claim 1 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).
3. (canceled)
4. (canceled)
5. (canceled)
6. (canceled)
7. (currently amended) The method of claim ~~3~~ 2 wherein the co-culture period is from one hour to about 6 days.
8. (currently amended) The method of claim ~~3~~ 2 wherein the co-culture period is from about one day to about 4 days.
9. (currently amended) The method of claim ~~3~~ 2 wherein the co-culture period is from about one day to about 3 days.
- 10 - 17. (canceled)

18. (new) A method for producing a fertile transgenic plant, comprising the steps of:
- (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, maize embryogenic callus, soybean hypocotyl sections or soybean callus suspension cell cultures with *Agrobacterium* containing a genetic component, said genetic component comprising a screenable marker gene that functions in the identification of a transformed plant cell or tissue, to produce an *Agrobacterium*-inoculated explant;
  - (b) co-culturing said *Agrobacterium* inoculated explant in a vessel not containing media containing a gelling agent and adding water in an amount between 100-300 microliters thereto wherein the weight of the *Agrobacterium* inoculated explant is reduced by up to 30% during the co-culture period;
  - (c) identifying and selecting a transformed plant cell or tissue comprising said genetic component; and
  - (d) regenerating a fertile transgenic plant therefrom.
19. (new) The method of claim 18 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).
20. (new) A method for producing a fertile transgenic plant, comprising the steps of:
- (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, maize embryogenic callus, soybean hypocotyl sections or soybean callus suspension cell cultures with *Agrobacterium* containing a genetic component, said genetic component comprising a scoreable marker gene that functions in the identification of a transformed plant cell or tissue, to produce an *Agrobacterium*-inoculated explant;
  - (b) co-culturing said *Agrobacterium* inoculated explant in a vessel not containing media containing a gelling agent and adding water in an amount between 100-300 microliters thereto wherein the weight of the *Agrobacterium* inoculated explant is reduced by up to 30% during the co-culture period;
  - (c) identifying and selecting a transformed plant cell or tissue comprising said genetic component; and
  - (d) regenerating a fertile transgenic plant therefrom.

21. (new) The method of claim 20 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).
22. (new) A method for producing a fertile transgenic plant, comprising the steps of:
- (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, or maize embryogenic callus, from wheat or maize and soybean hypocotyl sections or soybean callus cell suspension cell cultures from soybean with *Agrobacterium* containing a genetic component, said genetic component comprising a selectable marker gene that functions in the identification capable of a transformed plant cell or tissue, to be introduced into the plant cell or tissue to produce an *Agrobacterium*-inoculated explant;
  - (b) co-culturing said *Agrobacterium* inoculated explant in a vessel not containing media containing a gelling agent under limited or reduced moisture conditions wherein the weight of the *Agrobacterium* inoculated explant is reduced by up to 30% during the co-culture period;
  - (c) identifying and selecting a transformed plant cell or tissue transformed with comprising said genetic component; and
  - (d) regenerating a fertile transgenic plant therefrom.
23. (new) The method of claim 1 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).